

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

HERBERT MITCHELL

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05cv29-TSL-AGN

BILLY SOLLIE, *et al.*

DEFENDANTS

ORDER RESCINDING WRIT OF HABEAS CORPUS AD TESTIFICANDUM

By previous Order dated December 28, 2005, this Court ordered the Warden of Parchman to transport **Herbert Mitchell**, Inmate No. 48517, to the United States District Court, Jackson, Mississippi on **January 26, 2006**. An omnibus hearing was previously held herein on August 23, 2005 as to the defendants who were named and served. The unnamed jail doctor, Dr. Luis Borrell, was added as a defendant thereafter but has not answered at this time. Therefore, the order and writ should be rescinded.

IT IS, THEREFORE, ORDERED that the Order Setting Omnibus Hearing and Writ of Habeas Corpus Ad Testificandum for Herbert Mitchell are hereby rescinded.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send a copy of this order to the Warden, Mississippi Department of Corrections, Parchman, Mississippi 387838.

SO ORDERED this the 3rd day of January, 2006.

A Alfred G. Nicols, Jr.

UNITED STATES MAGISTRATE JUDGE